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The situation of human rights in the Islamic Republic of Iran[1]

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 64/176 and provides information on progress made in the implementation of that resolution. In its resolution 64/176, the Assembly called upon the Government of the Islamic Republic of Iran to address the substantive concerns highlighted in the previous report of the Secretary-General (A/64/357) and the specific calls to action found in previous resolutions of the Assembly (resolutions 63/191 and 62/168, and to respect fully its human rights obligations, in law and in practice, in relation to a number of specifically identified concerns.

* A/65/150.

[1] The present report was submitted after the deadline as a result of consultations with the Member State.

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I. Introduction

1. The present report on the situation of human rights in the Islamic Republic of Iran is submitted pursuant to General Assembly resolution 64/176. It provides information on progress made in the implementation of that resolution, in which the Assembly called upon the Government of the Islamic Republic of Iran to address the substantive concerns highlighted in the previous report of the Secretary-General (A/64/357) and the specific calls to action found in previous resolutions of the Assembly (resolutions 63/191 and 62/168), and to respect fully its human rights obligations, in law and in practice, in relation to a number of specifically identified concerns. The report also draws upon observations made by treaty monitoring bodies and the special procedures of the Human Rights Council and in the context of the universal periodic review.[2]

2. Since the previous report of the Secretary-General and the adoption of resolution 64/176, there have been further negative developments in the human rights situation in the Islamic Republic of Iran. Some encouraging milestones and positive developments, such as the country's ratification of the Convention on the Rights of Persons with Disabilities in October 2009, its submission of long-overdue periodic reports to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights and the completion of its universal periodic review before the Human Rights Council were unfortunately overshadowed by an intensified crackdown on human rights defenders, in particular women's rights activists, journalists and Government opponents in relation to post-election unrest in June 2009. Concerns about torture, arbitrary detentions and unfair trials continued to be raised by United Nations human rights mechanisms. There was a noticeable increase in application of the death penalty, including in cases involving political opponents and juvenile offenders. Discrimination persisted against minority groups and in some cases amounted to persecution.

3. The following sections of the report highlight developments that illustrate the progress or lack thereof in implementing the various requests to the Iranian authorities by the Assembly in its resolution 64/176. These include the following thematic areas, outlined in paragraph 4 of the resolution: torture and other cruel, inhuman or degrading treatment or punishment, including flogging and amputations; the death penalty, including public executions; executions of juvenile offenders; stoning as a method of execution; women's rights; rights of minorities, including the Baha'i community; freedom of religion, freedom of peaceful assembly and association, freedom of opinion and expression and due process of law rights, including in relation to the events following the presidential elections in June 2009. The report also surveys recent developments in the Islamic Republic of Iran's engagement with the international human rights system pursuant to paragraphs 5, 6 and 7 of the resolution.

[2] It should be noted that the references, observations and recommendations of the special procedures of the Human Rights Council and treaty bodies referred to in the present report are public information and are contained in the reports published during the reporting period since sixty-fourth session of the General Assembly.

II. Thematic issues

A. Torture and cruel, inhuman or degrading treatment or punishment, including flogging and amputations

4. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and other special procedure mandate holders of the Human Rights Council made a number of appeals during the reporting period. For instance, on 11 August 2009, a group of special procedure mandate holders,[3] in a joint communication, drew the attention of the Government of the Islamic Republic of Iran to the case of Amir Javadifar, a university student who was allegedly severely beaten during his detention by security services and who subsequently died in custody. On 13 August 2009, a number of special procedure mandate holders,[4] in a joint press release, also expressed their serious concern over reports of detainees being subjected to torture and harsh interrogations to obtain confessions that are being used in trials at the Revolutionary Court.

5. In February 2010, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment reported to the Human Rights Council concerning appeals he had made in the case of Ayatollah Sayed Hossein Kazemeyni Boroujerdi, who reportedly had been subjected to various forms of ill-treatment and torture since his arrest in 2007. For example, he had been held in solitary confinement since 27 January 2009 and beaten on 5 May 2009 for writing a letter to the Secretary-General of the United Nations requesting that international observers be sent to the Islamic Republic of Iran, and had received no medical attention for his serious health conditions. At the time of writing of the present report, the Iranian authorities stated that Ayatollah Boroujerdi was in good health, had access to medical services, enjoyed family visitation rights and had access to print and other forms of media. According to the authorities, Ayatollah Boroujerdi was sentenced to 10 years of imprisonment for establishing sects with extremist tendencies, destroying property and concealing firearms.

6. The Penal Code of the Islamic Republic of Iran allows amputation and flogging for a range of crimes, including theft, enmity against God (*mohareb*) and certain sexual acts. The Iranian authorities argue that punishments of this kind, sanctioned by Islamic sharia, are not considered as a humiliation, a degradation of humanity or torture, and that the application of such alternative sentences helps to reduce the incidence of crime and reduce complications arising from incarceration. The Committee against Torture and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment have consistently held that imposition of corporal punishments by judicial and administrative authorities,

[3] The Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. They also raised the case of Majid Sh, who was alleged to have been beaten, stripped and severely tortured. This was the name referred to by a source, but the Iranian authorities have responded that it is impossible to verify that case without having additional details.

[4] The Working Group on Arbitrary Detention, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on the situation of human rights defenders.

including, in particular, flogging and amputation of limbs, is contrary to the prohibition of torture and other cruel, inhuman or degrading treatment or punishment.

B. Death penalty and public executions

7. A dramatic increase was recorded in the imposition of the death penalty during the reporting period, with a particular surge following the post-election unrest in 2009. Since the previous report of the Secretary-General, Amnesty International has reported a spike in executions to a recorded 388 in 2009, 112 of which were carried out in the eight weeks between the election in June 2009 and the reinauguration of the President in early August.

8. The special procedure mandate holders received many reports from various sources concerning individuals who had allegedly been executed for drug-related offences and drug trafficking. The Iranian authorities have stressed that the executions reflect their efforts to counter the illicit trade in narcotics from neighbouring countries. In the opinion of international human rights mechanisms, a number of crimes for which the death penalty is imposed, such as drug-related offences, do not qualify as the most serious crimes for which the death penalty is permitted under international law.[5] Concerns have also been raised about whether adequate judicial safeguards have been observed to ensure a fair trial in death penalty cases.

9. The common imposition of the death penalty for *mohareb* offences in the post-election period was also especially worrisome. At the time of writing the present report, at least 25 persons, mostly political prisoners, were reportedly facing death sentences on charges of *mohareb*. In January 2010, a group of 36 of the 290 members of the Iranian Parliament proposed a motion to amend the Code of Criminal Procedure to have those found guilty of *mohareb* executed within five days of their conviction. The Penal Code of the Islamic Republic of Iran (art. 183) defines *mohareb* as "any person resorting to arms to cause terror or fear or to deprive people of freedom and security". Death sentences on charges of *mohareb* can be imposed even where the conduct did not result in any death or injury.[6] In April 2009, the Special Rapporteur on extrajudicial, summary or arbitrary executions noted the lack of a precise and explicit definition of *mohareb* under Iranian law and stressed the highly problematic nature of imposing death sentences on such charges.[7]

10. In its resolution 62/149, the General Assembly called for a worldwide moratorium on executions and urged Member States to work towards the abolition of the death penalty. The United Nations High Commissioner for Human Rights has

[5] The Human Rights Committee defines "most serious crimes" as those for which it can be shown that there was an intent to kill that resulted in a loss of life. The Iranian Students News Agency, a semi-official State media organization, reported that on 25 November 2009, 25-year-old Mohammad Arovji was executed in Rajai prison, Karaj city for consumption of alcohol and adultery.

[6] Article 191 of the Penal Code provides that a judge can impose any of four penalties, regardless of whether the individual is found guilty of having killed or injured anyone, stolen somebody's property or done none of the above.

[7] A/HRC/14/24/Add.1.

been consistently advocating the abolition of the death penalty in all circumstances and continually urges Governments, including that of the Islamic Republic of Iran, to join this worldwide trend.

11. A number of public executions were reported in 2009.[8] During the preparation of the present report, the Iranian authorities acknowledged that public executions were held in response to public sentiment and to deter crime, but noted that the number of public executions had noticeably declined following the issuance, in January 2008, of a circular by the former head of the judiciary, Ayatollah Shahroudi, banning public executions. International human rights mechanisms have stated that public executions add to the already cruel, inhuman and degrading nature of the penalty and can only have a dehumanizing effect on the victim and a brutalizing effect on those who witness the execution.

C. Executions of juvenile offenders

12. The International Covenant on Civil and Political Rights[9] and the Convention on the Rights of the Child,[10] to which the Islamic Republic of Iran is a State party, prohibit the imposition of the death penalty on those who are under 18 years of age at the time of committing their crime. Five such executions were recorded in 2009. While none have been reported in 2010, 150 juvenile offenders are reported to currently be on death row. At least 33 juvenile executions upheld by the Supreme Court are reported to be awaiting final authorization by the head of the judiciary, while 12 juveniles are reportedly at imminent risk of execution, with such authorization having been issued. During the preparation of the present report, the Government disputed those figures but did not provide official statistics.

13. Under Iranian law, the age for criminal liability is set at 8 years and 9 months for girls and 14 years and 7 months for boys, which is not only discriminatory but also low by international standards. The Iranian authorities state, however, that all offences committed by persons under the age of 18 are tried by children's courts. A trend has been observed in which cases involving juvenile offenders are prolonged until the accused reaches 18 years of age, when the risk of execution becomes higher. Cases are also prolonged in an effort to encourage families of the victim and perpetrator to reach a *diyah* (blood money) settlement. The Government has stated that its policy is to encourage next of kin to forfeit the right to *qisas* (retribution in kind) and even to assist the convicted person financially to pay the *diyah* settlement.

14. Despite the fact that the judiciary decreed a moratorium on juvenile executions in 2005, it is not legally binding and still allows discretion by the courts. Furthermore, the decree does not apply to *qisas* cases involving murder or manslaughter. A draft juvenile justice bill submitted to the Council of Ministers in 2004 and still being considered by the Iranian legislature provides a valuable opportunity to harmonize the Iranian legal system in the area of juvenile justice. In addition, specific chapters on child rights and juvenile justice have been included in the draft Islamic Penal Code and the draft Code of Criminal Procedure. The draft

[8] According to Amnesty International, a total of 16 alleged members of the People's Resistance Movement of Iran, also known as Jundollah, were publicly executed on 30 May 2009 and 14 July 2009.

[9] Article 6, para. 5.

[10] Article 37 (a).

Islamic Penal Code promotes the principles of restorative justice and includes provisions for diversion of juvenile cases from the criminal system towards community-based solutions and alternatives to custodial sentencing. However, the bills neither abolish the death penalty for minors having committed a crime nor formally raise the age of criminal responsibility, but give judges the discretion to assess the mental maturity of child offenders and prevent the issuance of death penalties in the first instance. A new child protection bill containing provisions for child victims and witness protection was reviewed and approved by high-ranking judicial officials in 2008, submitted to the Council of Ministers in 2009 and is now before Parliament.

15. The United Nations High Commissioner for Human Rights continued to issue public statements and intervene in individual cases through private representations with the Iranian authorities. For instance, in a press release issued on 13 October 2009, the High Commissioner voiced concern over the execution of Behnoud Shojaei, accused of having committed murder when he was 17 years old. On 21 December 2009, the High Commissioner wrote to the Iranian authorities to express grave disappointment over the execution of Mosleh Zamani, who was reportedly hanged for crimes committed when he was a minor. During the reporting period, the Special Rapporteur on extrajudicial, summary or arbitrary executions issued several urgent action letters in response to information received regarding individuals who had been sentenced to death for crimes they had committed as juveniles.

D. Stoning as a method of execution

16. Despite a moratorium issued in 2002 by the Iranian judiciary on execution by stoning, this type of sentence continues to be handed down by Iranian courts. The United Nations High Commissioner for Human Rights and the special procedure mandate holders of the Human Rights Council continued to voice concern over the persistent application of stoning as a method of execution in the Islamic Republic of Iran. On 2 November 2009, in a letter to the Government of the Islamic Republic of Iran, the High Commissioner expressed grave concern over the execution of Rahim Mohammadi for the crime of sodomy, and the sentencing of his wife, Kobara Babaei, to death by stoning for adultery. On 27 January 2010, several Special Rapporteurs,[11] in a joint appeal letter, drew the attention of the Government to the case of Sareimeh Ebadi and Bu-Ali Janfeshani, who had been sentenced to death by stoning for adultery. The death sentence followed a trial in which the defendants were allegedly denied the right to select their own defence lawyers. The Appeals Court of West Azerbaijan province upheld the death sentence. The Iranian authorities note that these cases have yet to be finalized by the courts and that, given the high standards of evidence required, there are many instances of final acquittal by the courts.

17. The Islamic Republic of Iran maintains that the punishment of stoning for married (not unmarried) persons who commit adultery serves as a deterrent and

[11] The Special Rapporteur on violence against women, its causes and consequences; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

maintains the strength of family and society. Nevertheless, the authorities have indicated that Parliament is currently reviewing the punishment of death by stoning. United Nations human rights mechanisms hold the view that execution by stoning constitutes a form of torture or other cruel, inhuman or degrading treatment or punishment, which is prohibited under international law, including the International Covenant on Civil and Political Rights, which the Islamic Republic of Iran has ratified. Representatives of these mechanisms have also stated that neither sodomy nor adultery can be considered among "the most serious crimes" for which the death penalty can be prescribed under international law.

E. Women's rights

18. In April 2010, the Islamic Republic of Iran was elected to the Commission on the Status of Women, although it has not yet ratified the Convention on the Elimination of All Forms of Discrimination against Women.

19. According to the *Human Development Report 2009* of the United Nations Development Programme, the Islamic Republic of Iran ranks seventy-sixth on the Gender-related Development Index among the 182 countries surveyed and 103rd on the Gender Empowerment Measure. Gender disparities remain, however, across geographical regions in the country. The Islamic Republic of Iran has made achievements in women's education and health since 1990, the baseline year of the Millennium Development Goals.

20. Despite these gains, gender inequality and violence against women are pervasive in the country, and women are subjected to discrimination inherent in existing civil and penal laws. Women are thus discriminated against in issues pertaining to marriage, divorce, nationality, child custody, inheritance,[12] guardianship, the administration of justice and the right to hold all offices of State. According to article 115 of the Constitution, no woman may serve as president of the country.[13] No woman has ever been appointed to the Guardian Council or to the top decision-making positions of the Expediency Council. Women cannot become presiding judges, but can only occupy certain judicial positions. Women's participation in decision-making, governance and political life remains extremely low, with women holding only 2.7 per cent of the seats in the Islamic Consultative Assembly, or Majlis. The authorities state, however, that the number of women candidates running in the most recent parliamentary election was 30 times higher than 30 years ago, and that the number of women in senior managerial or university positions has increased by 1 per cent.

21. The Islamic Republic of Iran reports that the enrolment of women at centres of higher education has been nearly tripling each year and that women's literacy has also increased to 46.5 per cent of the female population. Sources indicated, however, that the Ministry of Higher Education is discussing provisions to limit acceptance of female students in certain fields of study in universities and to enforce a quota system favouring male students. Meanwhile, female students are restricted

[12] According to the authorities, inheritance rights are equal under the Civil Code but have some specific differences reflecting the customary social roles and positions of men and women.

[13] See E/CN.4/2006/61/Add.3, para. 16.

by new regulations, under which they must study at universities in their home cities, thereby constraining their free access to higher education.

22. Women's participation in the public and social arenas is further constrained by current efforts to enforce "morality" codes concerning dress and gender segregation. The first women-only bank branch, which allows women to manage their finances without having to deal with unrelated men, was opened in Mashhad in June 2010.

23. Trafficking in girls and women also remains a concern in the Islamic Republic of Iran.[14] Most recently, the International Labour Organization Committee of Experts expressed concern in 2009 regarding trafficking in girls and requested the Government to ensure that children under the age of 18 are protected from being trafficked for commercial, sexual and labour exploitation.[15] The Islamic Republic of Iran has taken measures to combat trafficking; for instance, the law on combating human trafficking, enacted in 2004, criminalizes trafficking in persons and prohibits the forcing of women into prostitution and slavery. Under that law, a number of offenders were reportedly arrested, convicted and executed by the Government.

24. The Islamic Republic of Iran notes that there are 736 non-governmental organizations active in women's affairs, 12 times more than a decade ago. The crackdown on women's rights activists and female journalists has continued over the past year, however. Many have faced intimidation, harassment and, in some cases, detention or travel bans. The authorities often invoke external security threats to suppress women's rights activists.

25. On 22 February 2010, the special procedure mandate holders[16] drew the attention of the Government to the arrest of Kaveh Ghassemi, Maziar Samiee, Masha Jazini and Somayeh Momeni, all members of the Campaign for Equality, also known as the "one million signatures" campaign, along with students, journalists and human rights defenders. On 7 January 2010, the special procedure mandate holders[17] issued a joint communiqué voicing concern over the arrest and incommunicado detention of members of the "one million signatures" campaign and "Mothers for Peace" and journalists. The authorities have stated that none of the persons mentioned above are presently in prison.

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[14] The Special Rapporteur on violence against women, its causes and consequences noted a worrying increase in trafficking in girls and women in the Islamic Republic of Iran, mostly in border provinces, where women are kidnapped, bought or entered into temporary marriage to be subsequently sold into sexual slavery (E/CN.4/2006/61/Add.3). In 2005, the Committee on the Rights of the Child also expressed concern over trafficking facilitated by temporary marriages (CRC/C/15/Add.254).

[15] ILO Committee of Experts on the Application of Conventions and Recommendations, individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2009, Geneva, doc. No. (ILOLEX) 092009IRN182, para. 10.

[16] The Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders.

[17] The Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on violence against women, its causes and consequences.

26. On 21 December 2009, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders expressed concern over reports of harassment and intimidation of family members of Nobel Laureate Shirin Ebadi and also over the reports of confiscation from her safe-deposit box in a bank in Tehran of her Nobel Peace Prize medal and accompanying diploma, her Order of the Legion d'Honneur award and a ring given to her by the German Association of Journalists. In addition, Ms. Ebadi's financial accounts were frozen on charges that she had failed to pay taxes on her Nobel Peace Prize award. While the Government acknowledges that her safe-deposit box was examined and sealed under court order, it states that no items were taken and that the family had confirmed the items had been taken out of the country. On 7 January 2010, several special procedure mandate holders[18] issued a joint communiqué expressing concern over the arrest and incommunicado detention of many human rights defenders, lawyers, journalists and bloggers, along with Noushin Ebadi, the sister of Nobel Laureate Shirin Ebadi and a dentistry professor who was detained on 28 December 2009 at an unknown location. Her arrest appeared to be linked to the human rights advocacy work of her sister. Noushin Ebadi was released on 14 January 2010. On 21 July 2009, the special procedure mandate holders[19] issued a joint communiqué voicing concern about the arrest and ill-treatment of Shadi Sadr, another women's activist.

F. Rights of minorities, including the Baha'i community

27. Despite protections for minorities[20] in the Iranian Constitution and development programmes aimed at improving economic, social and cultural indicators in less-developed regions, the special procedure mandate holders issued a number of communiqués raising their concern over the continued mistreatment of minority groups and transmitted them to the Iranian authorities. On 16 February 2010, the Special Rapporteur on freedom of religion or belief reported to the Human Rights Council on the arrest of at least 27 members of the Nematullahi Sufi order and the subsequent demolition of their place of worship in Isfahan on 18 February 2009. The Special Rapporteur also noted that on 21 February 2009, security forces and plainclothes agents allegedly arrested more than 850 Sufis to prevent them from protesting in front of Parliament against the demolition of their place of worship. The expert also expressed concerns that families of the detainees had been denied any information about their fate and that lawyers representing the detained Sufis had

[18] The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on violence against women, its causes and consequences.

[19] The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Working Group on Arbitrary Detention, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on violence against women, its causes and consequences.

[20] Ethnic minorities include Azeris, Kurds, Lurs, Arabs, Baluchis, Turkmen and Fars. Religious minorities include Christians, Baha'is and Nematullahi Sufi. The Islamic Republic of Iran also hosts more than 1 million Afghan and 40,000 Iraqi refugees.

been prevented from meeting with their clients. The authorities state that the mosque was demolished to make way for urban development.

28. On 18 August 2009, the special procedure[21] mandate holders raised concern over the arrest of at least 19 schoolteachers and two information technology engineers from the Baluch minority community in the cities of Saravan and Zahedan between 11 and 13 August 2009. The authorities state that these arrests were related to the detainees' affiliation with a terrorist group and that they received lenient sentences and were subsequently released. On 29 October 2009, three Special Rapporteurs[22] drew the attention of the Government to information they had received regarding seven Arab minority men who were convicted and sentenced to death on charges that included acting against national security and killing a Shia cleric, Sheikh Hassam al-Sameri. The seven men reportedly did not have access to counsel either before or during the trial.

29. At least six Kurdish political prisoners, including Fasih Yasamani, Ehsan Fattahian, Shirin Alamhouli, Farzad Kamangar, Ali Heidarian and Farhad Vakili, all convicted of *mohareb*, were executed during the reporting period. The authorities state that these persons were all members of a terrorist group and involved in armed activities. Reports indicate that at least an additional 13 Kurdish prisoners are possibly at risk of execution.[23]

The Baha'i community

30. Members of unrecognized religions, in particular the Baha'i, who comprise the country's largest non-Muslim religious minority, face multiple forms of discrimination and harassment, including denial of employment, Government benefits and access to higher education. Some members of the Baha'i community have faced arbitrary detention or the confiscation and destruction of their property. In February 2009, the Special Rapporteur on freedom of religion or belief and the Independent Expert on minority issues noted with concern the deliberate damage to properties belonging to members of the Baha'i community. Fires had been deliberately set to partially or totally destroy homes and vehicles, and a cemetery in Marvdasht had been vandalized. The incident was allegedly reported to a number of Government agencies, but no official action has been taken.[24] The authorities state that while Baha'i is not recognized as an official religion, its followers enjoy equal social, civil and citizens' rights.

31. The United Nations High Commissioner for Human Rights wrote to the authorities on several occasions to express concern and seek clarification about the status of the seven members of the Baha'i community who had been detained since 14 May 2008 and whose trial began on 12 January 2010 for charges including

[21] The Working Group on Arbitrary Detention, the Independent Expert on minority issues, the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

[22] The Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

[23] See A/HRC/14/24/Add.1, para. 463; Human Rights Watch, "Iran: stop imminent execution of Kurdish dissident", 29 June 2010; and Amnesty International, "Worsening repression of dissent as election approaches", February 2009.

[24] See A/HRC/10/8/Add.1, paras. 102-109.

"acting against national security, espionage and spreading corruption on earth", which could entail the death penalty. The authorities also state they were responding to complaints from private individuals that they had been threatened or intimidated by an entity affiliated with the Baha'is. The High Commissioner requested the authorities to allow independent monitoring of such high-profile trials, but this request was not granted. On 14 June 2010, the trial was concluded after three days of consecutive court appearances. At the time of writing the present report, there were unconfirmed reports that these seven members of the Baha'i community would receive prison sentences of 20 years. The High Commissioner, through a number of letters, expressed deep concern that in the absence of any independent observers, these trials did not meet due process and fair trial requirements. The High Commissioner voiced grave concern that the criminal charges brought against the above-mentioned individuals appeared to constitute a violation of the Islamic Republic of Iran's obligations under the International Covenant on Civil and Political Rights, in particular those of freedom of religion and belief and freedom of expression and association.

G. Freedom of peaceful assembly and association and freedom of opinion and expression, including following the presidential elections in June 2009

32. Despite the intensified crackdown during the post-election period, the opposition movement continued to sporadically use official rallies as a platform to protest the outcome of the presidential election. The authorities continuously issued warnings that street protests would be dealt with harshly, and security forces were routinely heavily deployed to confront demonstrators. For instance, on 22 October 2009, at least 60 people, including renowned cartoonist Hadi Heidari, were reportedly arrested while performing prayer services in support of Shahabuddin Tabatabai, a prominent supporter of presidential candidate Mir Hussein Mousavi, who was arrested in relation to the post-election unrest. Members of the "Mourning Mothers"[25] were also arrested for staging weekly protests at Laleh Park in Tehran. On 4 November 2009, thousands of opposition supporters attending a peaceful rally to mark the thirtieth anniversary of the storming of the embassy of the United States of America in Tehran were met by security forces using batons and tear gas. More than 100 people were arrested, including journalists and human rights activists. On 8 December, more than 200 students who participated in anti-Government rallies during the commemoration of the country's annual student day were arrested.[26]

33. On 27 December 2009, a mass demonstration to mark the religious festival of Ashoura was marred by violence after fierce clashes broke out between protestors and security forces, claiming the lives of at least seven persons, including the nephew of opposition leader Mir Hussein Mousavi. Many others were injured and, according to chief Ismail Ahmadi Moghaddam, 500 were arrested. Numerous sources indicated that security forces and the paramilitary Basij militia resorted to

[25] Mourning Mothers, a women's group formed following the death of Neda Agha Sultan during post-election unrest, decided to meet silently on Saturdays and demand accountability and prosecution of those responsible for the killing of protestors.

[26] Tehran's police chief, General Azizollah Rajabzadeh, was quoted by the official Islamic Republic News Agency as saying that 204 protesters, including 39 women, were arrested for violating public order during rallies in the capital.

excessive use of force in confronting the protestors. On 30 December 2009, the United Nations High Commissioner for Human Rights issued a press statement expressing her concerns about reports of excessive acts of violence by security forces and the Basij militia. She expressed particular concern about continuing reports of arrests of political activists, journalists, human rights defenders and other civil society actors. Opposition leaders subsequently called off a number of planned rallies following the Ashoura violence and warnings from the authorities.

34. On 13 October 2009, the High Commissioner, in a press statement, expressed serious concerns about the death sentences handed down to three individuals for their involvement in the protests that took place after the recent presidential election. She added that there were major concerns about the manner in which the recent trials of opposition activists were conducted and urged the Appeals Court to carefully review the death sentences.

35. In November, the Ministry of Justice issued a list of verdicts on 89 cases involving post-election incidents. Five persons were given death sentences while 81 were sentenced to prison terms ranging from six months to 15 years. Further verdicts against 22 people mainly involving jail terms were finalized in December. Following the Ashoura protests on 27 December, senior clerics and high-ranking Government officials repeatedly called for protestors to be dealt with harshly on charges of *mohareb*, which carries the death penalty.

36. On 30 January 2010, 16 defendants linked to the Ashoura unrest went on trial in Tehran. Five of the defendants were charged with *mohareb* offences, while the others were accused of taking part in illegal protests, threatening national security and spreading propaganda against the establishment. A day before the trial, Ayatollah Ahmad Jannati, the Secretary of the Guardian Council,[27] urged the judiciary to impose harsh penalties for *mohareb* offences. In March 2010, authorities confirmed that six persons had been sentenced to death for their role in the Ashoura unrest and were awaiting execution confirmation from the Appeals Court. In April 2010, the Appeals Court upheld death sentences for two persons for their role in the anti-Government protest. Court verdicts for a further 217 people arrested in connection with the post-election unrest were reportedly finalized during the period under review.

37. In February 2010, 20-year-old university student Mohammad Amin Valian was sentenced to death on *mohareb* charges related to the protests, although that verdict was later overturned by the Appeals Court. Mohammad Raza Ali Zamani and Arash Rahmanipoor were executed on 28 January 2010 in cases allegedly related to the post-election unrest. They were among those tried in the mass trials of August and were subsequently convicted of *mohareb* by Tehran's Revolutionary Court in October 2009 for their alleged membership in Anjoman-e-Padeshahie Iran, a group that advocates the restoration of a monarchy in the Islamic Republic of Iran, and of harming national security.

38. During the reporting period, various censorship measures were implemented to limit access to, and the flow of, information. The authorities argue that external powers used the media to foment protest and unrest. A significant number of

[27] The Guardian Council, composed of six theologians appointed by the Supreme Leader and six jurists nominated by the judiciary, is a decision-making body that has the power to veto bills passed by Parliament if found inconsistent with the Constitution and sharia law.

newspapers and magazines have been closed and several have had their licences revoked and their websites filtered or blocked. More than 20 journalists were reportedly arrested for criticizing the Government and several were subjected to travel bans. Contact was banned with more than 60 foreign institutions, including media outlets and human rights organizations. In addition, foreign satellite broadcasts have been jammed since late 2009, affecting such broadcasters as the BBC and Deutsche Welle. Use of the Internet, mobile phones and text messaging in relation to the rallies were also reportedly restricted and demonstrators were arrested while taking footage. On 17 November 2009, a new 12-member web crime unit was launched to monitor "Internet crimes", including political offences, and also to police the Internet for "insults and lies", a term often used by the authorities to describe criticism of the Government.

39. During the period under review, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and other special procedure mandate holders issued a number of urgent appeals expressing serious concerns over allegations received that journalists, students, poets and human rights defenders had been arrested and imprisoned or subjected to torture and ill-treatment.

40. On 12 November 2009, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, together with the Special Rapporteur on the situation of human rights defenders, expressed concern over the long-standing travel ban imposed against Emadeddin Baghi, journalist and founder of the Centre for the Defence of Prisoners' Rights, who has not been permitted to leave the country since October 2004. He was prevented from personally receiving the Martin Ennals Award for Human Rights Defenders on 2 November 2009 in Geneva. Mr. Baghi was arrested during Ashoura observance on 27 December 2009, and his case was among others raised on 7 January 2010 by a number of special procedure mandate holders.[28] The authorities have confirmed that Mr. Baghi was sentenced to one year of imprisonment on charges of "waging propaganda against the Islamic Republic of Iran by propagating lies to disturb the public mind". The sentence was upheld on appeal.

H. Due process rights and impunity, including in relation to the presidential elections in June 2009

41. The Constitution, the Penal Code and the Code of Criminal Procedure of the Islamic Republic of Iran provide a range of procedural guarantees to ensure due process of law, which include equality before the law, the right to legal counsel, presumption of innocence, prohibition of torture, prohibition of illegal arrests, right to appeal a ruling and open trials. Concerns were raised throughout the year by the United Nations High Commissioner for Human Rights and the special procedure mandate holders about the degree to which these procedures were observed in practice, in particular in relation to the trials of opponents of the Government.

[28] The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Working Group on Arbitrary Detention; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on violence against women, its causes and consequences.

42. On 4 December 2009, in a joint appeal letter, three Special Rapporteurs[29] expressed concerns at the arrest, detention and subsequent sentencing of a dual Iranian-American citizen, Kian Tajbakhsh, who was arrested by security officials on 9 July 2009. Mr. Tajbakhsh was charged with acting against national security owing to his participation in the Gulf/2000 project, an Internet forum and mailing list hosted by Columbia University, and to his previous consultancy work with the Open Society Institute. The Special Rapporteurs noted that on 1 August 2009, Mr. Tajbakhsh was among the approximately 100 defendants presented before the court on charges of acting against national security. On 20 October, Mr. Tajbakhsh was sentenced by the Revolutionary Court to 15 years in prison, although the authorities state that his sentence was reduced to five years on appeal. Concerns have been expressed that Mr. Tajbakhsh was repeatedly denied access to a lawyer during his pretrial detention period and that a request for a trial lawyer of his choice had also been denied, although the authorities note he was defended by two lawyers.

43. No comprehensive investigation was conducted or accountability process launched for alleged violations in the post-election period. However, the Iranian authorities did take some corrective measures to address concerns of torture and ill-treatment in detention centres. In July 2009, as a result of a report of the senior inspection team from the office of the Supreme Leader, the Kahrizak detention centre was reportedly shut down and disciplinary action taken against officials in relation to the abuse of detainees arrested during the post-election unrest. The outcome of the inspection triggered further actions and, in January 2010, a Parliamentary committee conducting a probe into allegations at Kahrizak determined that Saeed Mortazavi, Tehran's former Prosecutor-General, was responsible for the abuses at Kahrizak and confirmed the death of three prisoners from beatings at the hand of their jailers. In March 2010, a group of 12 persons charged with offences connected to the abuses in Kahrizak reportedly went on trial before a military court in Tehran. In this context, on 30 June 2010, a military court reportedly sentenced two men to death and nine others to jail, flogging and payment of blood money for torturing three protesters to death in Kahrizak who had been detained during the post-election unrest.[30] Moreover, 33 persons accused of attacking a student dormitory in Tehran were also reported to be facing trial.

III. Cooperation with international human rights mechanisms and the Office of the United Nations High Commissioner for Human Rights

A. Universal periodic review

44. The Islamic Republic of Iran engaged fully in the universal periodic review mechanism of the Human Rights Council, submitting a national report and sending a high-level delegation to the review in February 2010. On 15 February 2010, the

[29] The Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the promotion and protection of the freedom of opinion and expression; and the Special Rapporteur on the situation of human rights defenders.

[30] The Islamic Republic of Iran's military court issued a statement on 30 June 2010 identifying the three men who died at Kahrizak as Mohsen Raouholamini, Mohammad Kamrani and Amir Javadifar.

Working Group on the Universal Periodic Review examined the situation in the Islamic Republic of Iran and subsequently adopted its report. On 10 June 2010, the Human Rights Council considered and adopted the final outcome of the review.

45. A total of 188 recommendations were made, of which the Islamic Republic of Iran fully accepted 123, partially accepted 3, rejected 46 and took note of the remaining 16. Seven of the rejected recommendations relate to the facilitation of visits of specific special procedure mandate holders,[31] although the Government did accept recommendations about general cooperation in the context of the special procedures.[32] The Islamic Republic of Iran further considered 28 of the rejected recommendations as inconsistent with the institution-building text that guides the process, or as not reflecting internationally recognized human rights, or as not conforming with its existing laws, pledges and commitments.[33]

46. Recommendations supported by the Islamic Republic of Iran included promoting economic, social and cultural rights and establishing national human rights institutions in accordance with the Paris Principles. The Government also agreed to consider abolishing juvenile executions and guaranteeing free and unrestricted access to the Internet.

B. Cooperation with the United Nations human rights treaty system

47. On 23 October 2009, the Islamic Republic of Iran acceded to the Convention on the Rights of Persons with Disabilities,[34] bringing to five the number of conventions to which it is a party.[35]

48. On 27 October 2009, the Islamic Republic of Iran submitted its third periodic report on the implementation of the International Covenant on Civil and Political Rights to the Human Rights Committee. The Committee will be examining the submission in October 2010. In addition, on 3 November 2009, the country submitted its second periodic report on the implementation of the International Covenant on Economic, Social and Cultural Rights to the Committee on Economic, Social and Cultural Rights. These are the first reports submitted by the Islamic Republic of Iran to these two committees in more than a decade. However, the relevant concluding observations adopted by the Committees in 1993 remain largely unimplemented.

[31] See A/HRC/14/12, para. 92, recommendations 5-11, which call for the facilitation of visits by Special Rapporteurs, including the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on the independence of judges and lawyers; and the Working Group on Arbitrary Detention.

[32] Ibid., para. 90, recommendations 24-28.

[33] Ibid., para. 92, recommendations 2-9, 11-13, 15, 22-24, 27-29, 31, 32, 36-39 and 41-44.

[34] The Islamic Republic of Iran entered a general reservation under article 46 of the Convention on the Rights of Persons with Disabilities, declaring that it did not consider itself bound by any provisions of the Convention that might be incompatible with its applicable rules.

[35] The Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

C. Cooperation with the special procedures

49. The Islamic Republic of Iran issued a standing invitation to all thematic special procedure mandate holders in June 2002, which coincided with the discontinuation of the mandate of the Special Representative on the situation of human rights in the Islamic Republic of Iran, established by the Commission on Human Rights in 1984. During 2003 and 2005, six special procedure mandate holders visited the country, but there have been no further visits by any special procedure mandate holders since 2005.

50. The Special Rapporteur on torture requested an invitation first in 2005 and yearly reminders have been sent ever since, most recently in November 2009. Requests for visits were also made by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, in February 2010; the Special Rapporteur on the independence of judges and lawyers, in 2006 (the request was repeated in the relevant reports to the Human Rights Council in both 2009 and 2010), and the Independent Expert on minority issues, in 2008. A visit request reminder was sent by the Special Rapporteur on extrajudicial, summary or arbitrary executions in 2008. All country visit requests remain outstanding.

51. The special procedure mandate holders sent a total of 42 communications to the Islamic Republic of Iran in 2009, of which 27 were joint and 15 individual. The Iranian authorities responded to only two communications.

D. Cooperation with the Office of the United Nations High Commissioner for Human Rights

52. On 24 February 2010, the Islamic Republic of Iran officially invited the United Nations High Commissioner for Human Rights to visit the country. Also, since 2008 the Office of the United Nations High Commissioner for Human Rights (OHCHR) has been discussing possible cooperation activities with representatives of the Iranian judiciary, including conducting a judicial colloquium on fair trial issues in Tehran in 2010. Furthermore, at the invitation of OHCHR, two Iranian judges participated in a judicial colloquium in the Maldives in November 2009.

53. During the reporting period, the United Nations High Commissioner for Human Rights intervened with the Iranian authorities in a number of individual human rights cases and issues through private representations, letters and public statements. Those included cases involving executions of juveniles, cruel, inhuman or degrading treatment or punishment including stoning, freedom of assembly, women's rights, freedom of religion and the rights of minorities.

IV. Conclusions and recommendations

54. **The present report highlights many areas of continuing concern with respect to human rights in the Islamic Republic of Iran. The Secretary-General has been deeply troubled by reports of excessive use of force, arbitrary arrests and detentions, unfair trials and possible torture and ill-treatment of opposition activists in relation to the post-election unrest in 2009. The Secretary-General encourages the Government to address the concerns highlighted herein,**

respond to the specific calls to action made in previous resolutions of the General Assembly and ensure compliance with international human rights standards.

55. **In relation to other concerns identified in the present report, the Secretary-General notes that the authorities have taken some positive steps, for instance to prevent stoning as a method of execution or limit the application of the death penalty to juveniles. The Secretary-General is concerned, however, that these measures have not been systematically enforced. He encourages the Government to address the concerns highlighted in the report and to continue to revise its national laws, in particular the Penal Code and juvenile justice laws, to ensure compliance with international human rights standards and prevent discriminatory practices against women, ethnic and religious minorities and other minority groups.**

56. **The Secretary-General welcomes the recent ratification by the Islamic Republic of Iran of the Convention on the Rights of Persons with Disabilities, and calls on the Government to also ratify other international human rights treaties, in particular the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to withdraw the reservations it has made upon signing and ratifying various human rights treaties, as recommended by the respective treaty bodies. The Secretary-General also welcomes the Government's submission of its long-outstanding periodic reports under the human rights treaties, in particular to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights.**

57. **The Secretary-General welcomes the Government's invitation to the United Nations High Commissioner for Human Rights to visit the country and encourages the Government to receive the Human Rights Council special procedure mandate holders in conformity with the standing invitation issued by the Iranian authorities in 2002. He reiterates the High Commissioner's request for a working-level preparatory mission in advance of her visit. The Secretary-General also welcomes the Islamic Republic of Iran's participation in the universal periodic review and strongly encourages subsequent implementation of the resulting recommendations with the full and genuine participation of civil society and other stakeholders.**